



Reprinted  
February 26, 2002

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## ENGROSSED SENATE BILL No. 407

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DIGEST OF SB 407 (Updated February 25, 2002 5:38 PM - DI 71)

**Citations Affected:** IC 20-10.1; IC 21-2.

**Synopsis:** School air quality. Allows the state department of health (department) to adopt rules establishing an indoor air quality in schools program. Requires the department to inspect the air quality of a school if the department has received a complaint about the quality of air in the school and to work with the school to develop a reasonable plan to improve air quality. Establishes an advisory panel to work with the department in developing plans and best practices for school air quality. Allows schools to use capital projects funds for compliance.

**Effective:** July 1, 2002.

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**Miller, Craycraft, Gard, Landske**

(HOUSE SPONSORS — WELCH, PORTER)

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January 10, 2002, read first time and referred to Committee on Health and Provider Services.

January 24, 2002, amended, reported favorably — Do Pass.

January 28, 2002, read second time, ordered engrossed. Engrossed.

January 31, 2002, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Education.

February 14, 2002, amended, reported — Do Pass.

February 25, 2002, read second time, amended, ordered engrossed.

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ES 407—LS 7214/DI 107+



Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## ENGROSSED SENATE BILL No. 407

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-10.1-33 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2002]:

4 **Chapter 33. Indoor Air Quality in Schools**

5 **Sec. 1. As used in this chapter, "school" refers to a:**

6 (1) public school; or

7 (2) nonpublic school that is not located in a private home.

8 **Sec. 2. (a) The state department of health may adopt rules under**  
9 **IC 4-22-2 to establish an indoor air quality in schools inspection**  
10 **and evaluation program to assist schools in developing plans to**  
11 **improve indoor air quality.**

12 **(b) The state department of health shall:**

13 (1) inspect a school for which the department has received a  
14 complaint about the quality of air in the school;

15 (2) report the results of the inspection to:

16 (A) each school's principal;

17 (B) the Indiana state board of education, if the school is a

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public school or an accredited nonpublic school; and

(C) the appropriate local or county board of health; and

(3) assist the school in developing a reasonable plan to improve air quality conditions found in the inspection.

Sec. 3. (a) The school air quality panel is established to assist the state department of health in carrying out this chapter.

(b) The panel consists of the following members:

(1) A representative of the state department of health.

(2) A representative of the department of education.

(3) A member of the governing body of a school corporation, appointed by the state superintendent of public instruction.

(4) A representative of the school employee organization (as defined in IC 20-7.5-1-2) that has the greatest number of members in Indiana, appointed by the state superintendent of public instruction.

(5) A representative of a statewide parent organization, appointed by the state superintendent of public instruction.

(6) A physician who has experience in indoor air quality issues, appointed by the commissioner of the state department of health.

(7) An individual with training and experience in occupational safety and health, appointed by the commissioner of the department of labor.

(8) A mechanical engineer with experience in building ventilation system design, appointed by the governor.

(9) A building contractor with experience in air flow systems who is a member of a national association that specializes in air flow systems, appointed by the governor.

(10) A member of a labor organization whose members install, service, evaluate, and balance heating, ventilation, and air conditioning equipment, appointed by the governor.

(c) The state department of health shall provide administrative support for the panel.

(d) The panel shall:

(1) identify and make available to schools best operating practices for indoor air quality in schools; and

(2) assist the state department of health in developing plans to improve air quality conditions found in inspections under section 2 of this chapter.

SECTION 2. IC 21-2-15-4, AS AMENDED BY P.L.240-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A school corporation may establish a capital

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1 projects fund.

2 (b) With respect to any facility used or to be used by the school  
3 corporation (other than a facility used or to be used primarily for  
4 interscholastic or extracurricular activities, except as provided in  
5 subsection (i)), the fund may be used to pay for the following:

- 6 (1) Planned construction, repair, replacement, or remodeling.
- 7 (2) Site acquisition.
- 8 (3) Site development.
- 9 (4) Repair, replacement, or site acquisition that is necessitated by  
10 an emergency.

11 (c) The fund may be used to pay for the purchase, lease, repair, or  
12 maintenance of equipment to be used by the school corporation (other  
13 than vehicles to be used for any purpose and equipment to be used  
14 primarily for interscholastic or extracurricular activities, except as  
15 provided in subsection (i)).

16 (d) The fund may be used for any of the following purposes:

17 (1) To purchase, lease, upgrade, maintain, or repair one (1) or  
18 more of the following:

- 19 (A) Computer hardware.
- 20 (B) Computer software.
- 21 (C) Wiring and computer networks.
- 22 (D) Communication access systems used to connect with  
23 computer networks or electronic gateways.

24 (2) To pay for the services of full-time or part-time computer  
25 maintenance employees.

26 (3) To conduct nonrecurring inservice technology training of  
27 school employees.

28 (4) To fund the payment of advances, together with interest on the  
29 advances, from the common school fund for educational  
30 technology programs under IC 21-1-5.

31 (5) To fund the acquisition of any equipment or services  
32 necessary:

33 (A) to implement the technology preparation curriculum under  
34 IC 20-10.1-5.6;

35 (B) to participate in a program to provide educational  
36 technologies, including computers, in the homes of students  
37 (commonly referred to as "the buddy system project") under  
38 IC 20-10.1-25, the 4R's technology program under  
39 IC 20-10.1-25, or any other program under the educational  
40 technology program described in IC 20-10.1-25; or

41 (C) to obtain any combination of equipment or services  
42 described in clauses (A) and (B).



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(e) The fund may be used to purchase:

- (1) building sites;
- (2) buildings in need of renovation;
- (3) building materials; and
- (4) equipment;

for the use of vocational building trades classes to construct new buildings and to remodel existing buildings.

(f) The fund may be used for leasing or renting of existing real estate, excluding payments authorized under IC 21-5-11 and IC 21-5-12.

(g) The fund may be used to pay for services of the school corporation employees that are bricklayers, stone masons, cement masons, tile setters, glaziers, insulation workers, asbestos removers, painters, paperhangers, drywall applicators and tapers, plasterers, pipe fitters, roofers, structural and steel workers, metal building assemblers, heating and air conditioning installers, welders, carpenters, electricians, or plumbers, as these occupations are defined in the United States Department of Labor, Employment and Training Administration, Dictionary of Occupational Titles, Fourth Edition, Revised 1991, if:

- (1) the employees perform construction of, renovation of, remodeling of, repair of, or maintenance on the facilities and equipment specified in subsections (b) and (c);
- (2) the school corporation's total annual salary and benefits paid by the school corporation to employees described in this subsection are at least six hundred thousand dollars (\$600,000); and
- (3) the payment of the employees described in this subsection is included as part of the proposed capital projects fund plan described in section 5(a) of this chapter.

However, the number of employees that are covered by this subsection is limited to the number of employee positions described in this subsection that existed on January 1, 1993. For purposes of this subsection, maintenance does not include janitorial or comparable routine services normally provided in the daily operation of the facilities or equipment.

(h) The fund may be used to pay for energy saving contracts entered into by a school corporation under IC 36-1-12.5.

(i) Money from the fund may be used to pay for the construction, repair, replacement, remodeling, or maintenance of a school sports facility. However, a school corporation's expenditures in a calendar year under this subsection may not exceed five percent (5%) of the property tax revenues levied for the fund in the calendar year.

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- 1       **(j) Money from the fund may be used to carry out a plan**  
2       **developed under IC 20-10.1-33.**

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SENATE MOTION

Mr. President: I move that Senator Craycraft be added as second author and Senator Gard be added as coauthor of Senate Bill 407.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 407, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, delete "every school" and insert "**schools**".

Page 2, line 14, after "inspect" delete "each" and insert "**a**".

Page 2, line 14, delete "in Indiana each year for" and insert "**for which the department:**

**(A) has received a complaint about the quality of air in the school; or**

**(B) determines that an inspection is needed in order to determine".**

Page 2, line 27, after "more" insert "**than**".

Page 2, after line 29, begin a new paragraph and insert:

"SECTION 2. IC 21-2-15-4, AS AMENDED BY P.L.240-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A school corporation may establish a capital projects fund.

(b) With respect to any facility used or to be used by the school corporation (other than a facility used or to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (i)), the fund may be used to pay for the following:

- (1) Planned construction, repair, replacement, or remodeling.
- (2) Site acquisition.
- (3) Site development.
- (4) Repair, replacement, or site acquisition that is necessitated by an emergency.

(c) The fund may be used to pay for the purchase, lease, repair, or maintenance of equipment to be used by the school corporation (other than vehicles to be used for any purpose and equipment to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (i)).

(d) The fund may be used for any of the following purposes:

- (1) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:
  - (A) Computer hardware.
  - (B) Computer software.
  - (C) Wiring and computer networks.
  - (D) Communication access systems used to connect with computer networks or electronic gateways.

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(2) To pay for the services of full-time or part-time computer maintenance employees.

(3) To conduct nonrecurring inservice technology training of school employees.

(4) To fund the payment of advances, together with interest on the advances, from the common school fund for educational technology programs under IC 21-1-5.

(5) To fund the acquisition of any equipment or services necessary:

(A) to implement the technology preparation curriculum under IC 20-10.1-5.6;

(B) to participate in a program to provide educational technologies, including computers, in the homes of students (commonly referred to as "the buddy system project") under IC 20-10.1-25, the 4R's technology program under IC 20-10.1-25, or any other program under the educational technology program described in IC 20-10.1-25; or

(C) to obtain any combination of equipment or services described in clauses (A) and (B).

(e) The fund may be used to purchase:

(1) building sites;

(2) buildings in need of renovation;

(3) building materials; and

(4) equipment;

for the use of vocational building trades classes to construct new buildings and to remodel existing buildings.

(f) The fund may be used for leasing or renting of existing real estate, excluding payments authorized under IC 21-5-11 and IC 21-5-12.

(g) The fund may be used to pay for services of the school corporation employees that are bricklayers, stone masons, cement masons, tile setters, glaziers, insulation workers, asbestos removers, painters, paperhangers, drywall applicators and tapers, plasterers, pipe fitters, roofers, structural and steel workers, metal building assemblers, heating and air conditioning installers, welders, carpenters, electricians, or plumbers, as these occupations are defined in the United States Department of Labor, Employment and Training Administration, Dictionary of Occupational Titles, Fourth Edition, Revised 1991, if:

(1) the employees perform construction of, renovation of, remodeling of, repair of, or maintenance on the facilities and equipment specified in subsections (b) and (c);

(2) the school corporation's total annual salary and benefits paid

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by the school corporation to employees described in this subsection are at least six hundred thousand dollars (\$600,000); and

(3) the payment of the employees described in this subsection is included as part of the proposed capital projects fund plan described in section 5(a) of this chapter.

However, the number of employees that are covered by this subsection is limited to the number of employee positions described in this subsection that existed on January 1, 1993. For purposes of this subsection, maintenance does not include janitorial or comparable routine services normally provided in the daily operation of the facilities or equipment.

(h) The fund may be used to pay for energy saving contracts entered into by a school corporation under IC 36-1-12.5.

(i) Money from the fund may be used to pay for the construction, repair, replacement, remodeling, or maintenance of a school sports facility. However, a school corporation's expenditures in a calendar year under this subsection may not exceed five percent (5%) of the property tax revenues levied for the fund in the calendar year.

**(j) Money from the fund may be used to comply with IC 20-10.1-33 if the cost of compliance is at least twenty-five thousand dollars (\$25,000)."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 407 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Landske be added as coauthor of Engrossed Senate Bill 407.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 407, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, after "(2)" insert "**accredited**".

Page 1, line 10, delete "do the following:".

Page 1, line 11, delete "(1) Establish" and insert "**establish**".

Page 1, run in lines 10 through 11.

Page 1, line 12, after "to" insert ":

**(1)**".

Page 1, line 13, delete "." and insert "; **and**

**(2) assist schools in developing plans to improve indoor air quality.**".

Page 1, delete lines 14 through 17.

Page 2, delete lines 1 through 12.

Page 2, line 14, delete ":".

Page 2, line 15, delete "(A)".

Page 2, run in lines 14 through 15.

Page 2, line 16, delete "or".

Page 2, delete lines 17 through 19.

Page 2, line 23, delete "." and insert "; **and**

**(3) assist the school in developing a reasonable plan to improve air quality conditions found in the inspection.**".

Page 2, delete lines 24 through 32.

Page 4, line 36, delete "comply with" and insert "**carry out a plan developed under**".

Page 4, line 37, after "compliance" insert "**with the plan**".

and when so amended that said bill do pass.

(Reference is to SB 407 as printed January 25, 2002.)

PORTER, Chair

Committee Vote: yeas 12, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 407 be amended to read as follows:

Page 1, line 6, after "public" insert "**school**".

Page 1, delete lines 7 through 8, begin a new line block indented and insert:

**"(2) nonpublic school that is not located in a private home."**

Page 1, line 9, delete "shall" and insert "**may**".

Page 1, line 11, delete ":".

Page 1, delete lines 12 through 13.

Page 1, line 14, delete "(2)".

Page 1, run in lines 11 through 14.

Page 2, line 4, delete ";" and insert "**, if the school is a public school or an accredited nonpublic school;**".

(Reference is to ESB 407 as printed February 15, 2002.)

WELCH

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 HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 407 be amended to read as follows:

Page 2, between lines 7 and 8, begin a new paragraph and insert:

**"Sec. 3. (a) The school air quality panel is established to assist the state department of health in carrying out this chapter.**

**(b) The panel consists of the following members:**

**(1) A representative of the state department of health.**

**(2) A representative of the department of education.**

**(3) A member of the governing body of a school corporation, appointed by the state superintendent of public instruction.**

**(4) A representative of the school employee organization (as defined in IC 20-7.5-1-2) that has the greatest number of members in Indiana, appointed by the state superintendent of public instruction.**

**(5) A representative of a statewide parent organization, appointed by the state superintendent of public instruction.**

**(6) A physician who has experience in indoor air quality issues, appointed by the commissioner of the state department of health.**

**(7) An individual with training and experience in occupational**



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safety and health, appointed by the commissioner of the department of labor.

(8) A mechanical engineer with experience in building ventilation system design, appointed by the governor.

(9) A building contractor with experience in air flow systems who is a member of a national association that specializes in air flow systems, appointed by the governor.

(10) A member of a labor organization whose members install, service, evaluate, and balance heating, ventilation, and air conditioning equipment, appointed by the governor.

(c) The state department of health shall provide administrative support for the panel.

(d) The panel shall:

(1) identify and make available to schools best operating practices for indoor air quality in schools; and

(2) assist the state department of health in developing plans to improve air quality conditions found in inspections under section 2 of this chapter."

(Reference is to ESB 407 as printed February 15, 2002.)

LAWSON L

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#### HOUSE MOTION

Mr. Speaker: I move that Senate Bill 407 be amended to read as follows:

Page 4, line 12, delete "IC 20-10.1-33 if the cost of compliance with the" and insert "**IC 20-10.1-33**".

Page 4, delete line 13.

(Reference is to ESB 407 as printed February 15, 2002.)

THOMPSON



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